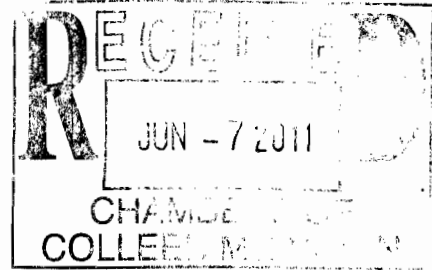


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June 7, 2011

By Fax (212) 805-6326

Honorable Colleen McMahon **MEMO ENDORSED**
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Kyrif Givens v. City of New York, et al.
11 CV 0801 (CM)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendants in the above-referenced matter. Defendants write to respectfully request a two week enlargement of time from June 10, 2011 until June 24, 2011 to file and serve their motion for qualified immunity. Plaintiff's counsel, Christopher Wright, Esq., consents to this request.

In accordance with Your Honor's Individual Rules of Practice, defendant Ponte filed a Notice of Motion, in advance of a Motion for Qualified Immunity, simultaneously with his answer on May 11, 2011. Therefore, Ponte was required to depose plaintiff, as well as, file and serve his qualified immunity motion by June 10, 2011.¹ However, because of scheduling conflicts, plaintiff's deposition could not be scheduled until June 9, 2011. Defendants submit that they intend to request plaintiff's deposition transcript on an expedited basis, nevertheless, defendants will not receive the transcript until after the deadline for submission of the qualified immunity motion has passed. Thus, defendants would be unable to incorporate the deposition transcript into the motion.

Defendants submit that a brief, two-week, enlargement of time should be sufficient for defendants to obtain, review, and incorporate plaintiff's deposition testimony into the anticipated

¹ Because defendant Ponte was served more than a month after the original scheduling order was submitted, by letter dated May 9, 2011, Ponte requested an adjustment of the scheduling order to reflect the time that defendant was in fact served. Your Honor subsequently granted Ponte's request and ordered that plaintiff's deposition be conducted by June 10, 2011.

qualified immunity motion. Accordingly, defendants respectfully request that Your Honor grant them an enlargement of time until June 24, 2011, to submit their Motion for Qualified Immunity.

Thank you for your consideration of this request.

Respectfully submitted,



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